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Attorneys for Defendants  
OCLARO, INC., ALAIN COUDER,  
JERRY TURIN, and JAMES HAYNES

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

CURTIS and CHARLOTTE WESTLEY,  
individually and on behalf of others similarly  
situated,

Plaintiffs,

v.

OCLARO, INC., et al.,

Defendants.

Case No. C11-2448 EMC  
and related consolidated action

IN RE OCLARO, INC. DERIVATIVE  
LITIGATION,

Lead Case No. C11-3176 EMC  
(Derivative Action)

This Document Relates to:

WESTLEY v. OCLARO

**STIPULATION AND [PROPOSED]  
ORDER SCHEDULING PLAINTIFFS'  
FILING OF SECOND AMENDED  
COMPLAINT AND DEFENDANTS'  
RESPONSE THERETO AND  
RESCHEDULING CASE  
MANAGEMENT CONFERENCE**

1 WHEREAS, Plaintiffs Curtis and Charlotte Westley (collectively, "Plaintiffs"), through their  
2 counsel, filed a purported class action complaint ("Complaint") against Defendants Oclaro, Inc.,  
3 Alain Couder, Jerry Turin, and James Haynes (collectively, "Defendants") in the above-entitled  
4 matter on May 19, 2011;

5 WHEREAS, on July 18, 2011, the Connecticut Laborers' Pension Fund (the "Fund") moved  
6 the Court for an order appointing the Fund as Lead Plaintiff and approving its selection of counsel as  
7 Lead Counsel;

8 WHEREAS, on September 12, 2011, the Court entered an order granting the Fund's motion  
9 and appointing it as Lead Plaintiff;

10 WHEREAS, on October 27, 2011, Lead Plaintiff filed an amended complaint for violation of  
11 the federal securities laws ("Amended Complaint") against Defendants Oclaro, Inc., Alain Couder,  
12 and Jerry Turin;

13 WHEREAS, the Amended Complaint asserts claims under the federal securities laws that are  
14 subject to the procedural requirements of the Private Securities Litigation Reform Act of 1995  
15 ("Reform Act"), including those set forth in 15 U.S.C. § 78u-4;

16 WHEREAS, Defendants filed a motion to dismiss the Amended Complaint on December 12,  
17 2011, triggering a stay of discovery under the Reform Act, 15 U.S.C. § 78u-4(b)(3)(B);

18 WHEREAS, on March 2, 2012, the Clerk issued notice that the Case Management  
19 Conference, previously scheduled for March 23, 2012, was reset for April 27, 2012 and the Case  
20 Management Statement was due April 20, 2012;

21 WHEREAS, the Court held a hearing on March 23, 2012 on the motion to dismiss the  
22 Amended Complaint;

23 WHEREAS, on March 27, 2012, the Court entered an order granting Defendants' motion to  
24 dismiss the Amended Complaint without prejudice and allowing Plaintiffs thirty (30) days to file an  
25 amended complaint ("Second Amended Complaint");

26 WHEREAS, under the current schedule, Plaintiffs have until April 26, 2012 to file the  
27 Second Amended Complaint;

1 WHEREAS, in order to avoid the unnecessary expenditure of judicial resources or effort by  
 2 the parties to this action and the Court prior to filing of the motion to dismiss, the parties to this  
 3 action have agreed, in the interim prior to the decision on the motion to dismiss and subject to the  
 4 Court's approval, to the continuance of the Case Management Conference and all associated  
 5 obligations, including the filing of the Joint Case Management Statement; and

6 WHEREAS, this Stipulation and Order is without prejudice to, or waiver of, any rights,  
 7 arguments, or defenses otherwise available to the parties to this action.

8 NOW THEREFORE, the undersigned parties, by and through their counsel of record,  
 9 stipulate as follows:

- 10 1. Plaintiffs shall have until April 26, 2012 to file and serve the Second Amended  
 11 Complaint;
- 12 2. Defendants shall file and serve any answer or other response on or before May 25,  
 13 2012;
- 14 3. Plaintiffs shall file and serve any opposition to Defendants' motion to dismiss the  
 15 Second Amended Complaint on or before June 25, 2012;
- 16 4. Defendants shall file and serve any reply in support of their motion to dismiss the  
 17 Second Amended Complaint on or before July 16, 2012;
- 18 5. Oral argument on Defendants' motion to dismiss will be held on August 17, 2012, or  
 19 on such other date and time as the Court shall order;
- 20 6. The parties agree that discovery in the above-captioned action shall be stayed  
 21 pursuant to the Private Securities Litigation Reform Act, 15 U.S.C. § 78u-4(b)(3)(B),  
 22 until the Court issues an order resolving Defendants' motion to dismiss the Second  
 23 Amended Complaint;
- 24 7. The Case Management Conference, currently scheduled for April 27, 2012, is hereby  
 25 reset for September 28, 2012 at 9:00 a.m.  
~~adjourned to 30 days after the Court rules on Defendants' motion to dismiss.~~
- 26 8. The deadline for the Case Management Statement, currently due April 20, 2012, shall  
 27 be extended until one week prior to the rescheduled Case Management Conference.  
 28

1 DATED: April 19, 2012

2 **ROBBINS GELLER RUDMAN &  
3 DOWD LLP**

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*Counsel for Plaintiffs*

*Counsel for Defendants Oclaro, Inc., Alain Couder,  
Jerry Turin, and James Haynes*

### SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing Stipulation and [Proposed] Order Rescheduling Case Management Conference. Pursuant to General Order No. 45, Section X (B) regarding signatures, I, Gidon M. Caine, attest that concurrence in the filing of this document has been obtained.

DATED: APRIL 19, 2012

/S/ GIDON M. CAINE  
GIDON M. CAINE (CAL. STATE BAR NO. 188110)

**PURSUANT TO STIPULATION, IT IS SO ORDERED**

DATED: April 20, 2012

Hon. Edward M. Chen  
United States District Court

